

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

H. Craig Dees, et al.

Serial No.: 09/382,622

Filed: August 25, 1999

For: High Energy Phototherapeutic Agents

Examiner: Gailene Gabel

Art Unit: 1641

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Shannon Wallace

Name of applicant, assignee, or Registered Rep.

Name of applicant, assignee, or Registered Rep. Shannon Wallace 3/10/05

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Date \_\_\_\_\_

## **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

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Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby calls the Examiner's attention to document listed on the attached form, which document may be material to the examination of this application. A copy of this reference is enclosed herewith for the Examiner's consideration.

No inference should be drawn that the attached list sets forth a comprehensive investigation of prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is equivalent to the subject invention.

The citation of the above-discussed is not to be construed as an assertion that more pertinent

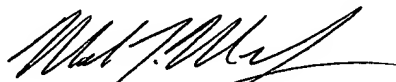
art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

As a RCE has recently been filed and as the enclosed reference was first brought to the Applicant's attention within the three months in an office action dated January 25, 2005 in a counterpart Japanese application, the Applicant does not believe any fee is due for this IDS. If it is determined that any additional fee is required for this Supplemental Information Disclosure Statement, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

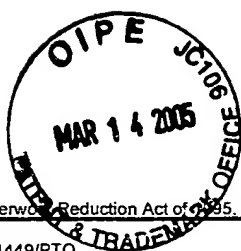
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1

of 1

### Complete if Known

Application Number	09/382,622
Filing Date	August 25, 1999
First Named Inventor	H. Craig Dees
Art Unit	1641
Examiner Name	Gailene Gabel
Attorney Docket Number	PHO-107 DIV

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		WILSON et al., "Enhancement of Tumor Radiation Response by the Anivascular Agent 5,6-Dimethylxanthenone-4-Acetic Acid,"	
		Int. J. Radiation Oncology Biol. Phys., Vol. 42, No. 4, pp. 905-908, (1998).	

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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